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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,069	02/23/2007	Richard Seward	3569/52.00042-US	6589
78905 7590 07/01/2009 Saul Ewing LLP (Philadelphia) Attn: Patent Docket Clerk 2 North Second St. Harrisburg, PA 17101				
EXAMINER				
L.Y. NGHH H				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
07/01/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/575,069

Applicant(s)

SEWARD, RICHARD

Examiner

NGHI H. LY

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 04/07/06
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 10 is objected to because of the following informalities:

Claim 2, second line, the "(" and ")" should be removed.

Claim 10, step (a), the "Any" should be changed to "any".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsubayashi et al (US 7,284,061).

Regarding claims 1 and 18, Matsubayashi teaches a method of enabling a wireless information device operated by an end-user to access customer support services (see column 10, lines 36-45, column 12, lines 56-60, column 22, lines 33-37 and column 27, lines 25-52, see "wireless"), the end-user having a support requirement (see column 21, lines 60-67), comprising the steps of: (a) opening a data connection between the device and a customer support computer (see fig.1, fig.5 and fig.13 to

fig.15, the connections, and see column 10, lines 36-45, column 12, lines 56-60, column 22, lines 33-37 and column 27, lines 25-52, see "wireless"), (b) keeping the data connection open whilst the device progresses up a queue of an automated queuing system connected to the customer support computer (see column 30, lines 12-16, see "queue listing"), (c) initiating a predefined action before the device reaches the top of the queue or when the device reaches the top of the queue (see column 30, lines 12-16, see "the user reaches the top" and "queue listing").

Regarding claims 2 and 19, Matsubayashi teaches the predefined action includes one or more of the following: (a) a customer service representative ('CSR') calling the end-user back with a voice call, (b) causing data to be downloaded from the device, (c) causing data or an application to be written to the device (see column 24, lines 33-42 and column 28, lines 3-12).

Regarding claim 3, Matsubayashi teaches the data connection is opened in response to input from the end-user, the input being a response to an on-screen dialog, prompt, free-text input, menu selection or icon, or speech input, that defines the support requirement (see column 29, lines 4-26).

Regarding claim 4, Matsubayashi teaches the data connection remains active to enable the customer support computer to download data from the device or write data or applications to the device before the device reaches the top of the queue (see column 29, lines 4-26).

Regarding claim 5, Matsubayashi teaches the device receives and optionally displays data sent over the data connection from the customer support computer which

indicates the queue position and/or likely time before a customer service representative will respond in person to the end-user by initiating a voice call or accessing the Wireless Information Device (see column 24, lines 33-42 and column 28, lines 3-12).

Regarding claim 6, Matsubayashi teaches the device displays a visual indication that the data connection is open (see column 5, lines 27-37 and column 23, lines 18-29).

Regarding claim 7, Matsubayashi teaches the device displays a visual indication of the queue position (see column 24, lines 33-42 and column 28, lines 3-12).

Regarding claim 8, Matsubayashi teaches the device is automatically queried by the customer support computer either before or when the device reaches the top of the queue to obtain information relevant to the end-users support requirement (see column 30, lines 12-16, see "the user reaches the top" and "queue listing").

Regarding claim 9, Matsubayashi teaches the device automatically sends information relevant to the end-users support requirement with an initial connection message (see column 9, lines 12-26 and column 18, lines 2-5).

Regarding claim 10, Matsubayashi teaches the information includes one or more of the following kinds of information: (a) any or all of device's phone number, International Mobile Equipment Identifier (IMEI) or International Mobile Subscriber Identifier (IMSI), (b) recent key strokes, (c) recent remote web or WAP sites visited by the device, (d) current state of the device, including operating system, application/configuration settings, applications, battery status, memory status, dropped calls, (e) end-user's name, (f) end-user's address, (g) end-user's bank, credit and/or

charge card details, (h) end-user's password, (i) goods and/or services recently requested or acquired by the end-user using the device, (j) device usage profile or data, (k) device geographic location data, (t) device error logs, (m) identification of art programs running on the device, (n) device data to be backed-up or replicated (see column 13, lines 44-65).

Regarding claim 11, Matsubayashi teaches the device displays a user prompt requiring the end-user to consent to specifically requested kinds of information being sent to the customer support computer (see Abstract and column 1, lines 6-15).

Regarding claim 12, Matsubayashi teaches the end-user prompt requires the end-user to satisfy an access control process before releasing the information to the customer support computer (see Abstract).

Regarding claim 13, Matsubayashi teaches the end-user for one of the following reasons: to inform the end-user that the support request has been completed, to better understand the nature of the support requirement and to discuss how to fulfil the support requirement (see Abstract, column 1, lines 6-15 and column 3, line 31 to column 4, line 53).

Regarding claim 14, Matsubayashi teaches it is determined, without explicit notification by the end-user, that the end-user requires support and the data connection is then opened (see Abstract and column 3, line 31 to column 4, line 53).

Regarding claim 15, Matsubayashi teaches it is determined that the end-user has a support requirement when a problem is identified with a component of the end-user's service on the device (see Abstract and column 3, line 31 to column 4, line 53).

Regarding claim 16, Matsubayashi teaches it is determined that the end-user has a support requirement when a problem is detected in the end-user's use of a particular service (see Abstract, and column 3, line 31 to column 4, line 53).

Regarding claim 17, Matsubayashi teaches the problem is indicated by one or more of the following: above-average rate of dropped calls, shorter-than-average battery life, or failed application transactions (see column 1, lines 16-38 and column 23, lines 3-17).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571)272-7911. The examiner can normally be reached on 9:30am-8:00pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

/Nghi H. Ly/

Primary Examiner, Art Unit 2617